

MAGNOLIA BAY

ARCHITECTURAL GUIDELINES



**A guide prepared by the
Magnolia Bay
Architectural Control Committee**

**Approved by the Board of Directors
Magnolia Bay Homeowners Association
Date:**

ARCHITECTURAL CONTROL COMMITTEE

INTRODUCTION:

All residents benefit from the planning and design that has been the basis of the development of Magnolia Bay. The principle purpose of this guide is to assure residents of Magnolia Bay that the standards of design and quality will be maintained, which protects property values and enhances Magnolia Bay's overall environment.

An essential element of Architectural Control is the recognition by all homeowners of the importance of maintaining the general plan of development of the community. This should be viewed as a benefit and not a burden.

These guidelines represent an overall summary of the architectural rules as presented by the Architectural Control Committee (ACC) and approved by the Board of Directors through the issue date referenced on this document. This document is intended to facilitate the review and processing by the ACC of any applications for approval of new construction or proposed modifications. This document is intended to facilitate the identification, enforcement, and resolution of any architectural, landscape, or site violations of the architectural rules as outlined in the various governing documents with which the residents of Magnolia Bay are required to comply. These guidelines are not intended to include all of the requirements stipulated in the Declaration of Covenants, Conditions and Restrictions for Magnolia Bay, but rather should be considered as a supplement to said covenants.

PURPOSE:

The Declaration of Covenants, Conditions and Restrictions (Declaration) of Magnolia Bay assures each homeowner that the quality of Magnolia Bay's design will be maintained. The Homeowners Association (Association) Board of Directors is responsible for administering the Declaration and providing administrative support to the Architectural Control Committee.

The ACC must insure that exterior alterations within Magnolia Bay comply with the provisions in the Declaration, community-wide standards, and this document. ALL requests for exterior alterations MUST be submitted to the ACC and its approval received BEFORE any alterations may be undertaken. The purpose of this guide is to inform the homeowners of the design requirements for Magnolia Bay and the proper procedures to be followed when requesting an exterior modification to their property. Absence of such approval does not relieve the homeowner, contractor or other party from the requirement to comply with all the conditions of the Declaration. If unapproved work is constructed, removal of or repair to such work will be at the sole expense of the homeowner, including without exception, all legal fees and other costs required to defend said homeowner or the Association from any legal matters arising from any unapproved work.

MEMBERS:

The ACC shall consist of no less than three (3) members. The ACC shall meet as necessary to review applications received and present their findings within thirty (30) days of receipt. The Board of directors has the right, power, authority, and obligation to appoint and rename members of the ACC.

ACC GUIDELINE PROCEDURES

An application is required whenever a homeowner requests to change any landscaping, add additional landscaping, or make any exterior changes to the existing unit or property.

HOW TO MAKE APPLICATION TO THE ACC:

Applications may be obtained from the offices of the Homeowners Association located at Bristol Management, Inc.

1930 Commerce Lane, Suite 1
Jupiter, Florida 33458

Applications may be taken from the website at bristolmanagement.com. Three (3) copies of completed applications should be hand delivered or mailed to the offices of Bristol Management. Completed applications may also be deposited in the folder in the community mailroom which will be collected by a representative from Bristol Management. Completed applications will be forwarded to the ACC for review at its next scheduled meeting.

APPLICANT'S RESPONSIBILITY:

1. Completed architectural change request forms and required documentation must be submitted in triplicate to Bristol Management.
2. All pertinent information relating to the project is to be included with the application. Plans, drawings, material specifications, samples, list of specific landscaping changes or additions, property plat (boundary survey; part of homeowner's closing papers) detailing placement of the proposed project on the property and showing location of sprinkler heads, pumps/filters/heaters, location, and identification of plants.
3. The appropriate deposit check must accompany the application. Deposit check is made payable to Management Company.
4. All required permits and approvals must be secured. Licensed contractors with proper insurance are required.
5. Projects will not commence without signed approval of the ACC.
6. Management Company must be notified of project's completion for an inspection to be scheduled and arrangement for return of deposit.
7. Rejected applications may be appealed, in writing, to the Board of Directors within thirty (30) days of receipt of rejection.

MANAGEMENT COMPANY’S RESPONSIBILITY:

Present to the ACC, in a timely manner, any date stamped completed applications received. Notify applicant of incomplete forms for correction.

Collect and return all deposits and fees.

Notify the applicant in a timely manner, in writing, of ACC decisions and, if appropriate, the reasons for such decisions and any corrective action for resubmission.

Maintain a file of all applications and associated correspondence for Association records.

APPLICATION FEES AND DEPOSITS:

The deposit will be levied, as a condition of approval, to cover any costs to repair or maintain common areas damaged during construction. Deposit check payable to Magnolia Bay Gardens HOA and delivered to Bristol Management upon submission of application. Upon final inspection approval by the property manager the deposit will be returned to the homeowner.

SITE PLAN:

Three (3) copies of the property survey must be included with the application showing the location of existing structures and the boundaries of the property. Proposed changes or additions should be indicated including dimensions and distances from the home and adjacent properties. Landscaping changes must be indicated as well.

DRAWINGS AND PHOTOGRAPHS:

A graphic description of the request should be provided. This may be in the form of manufacturer’s literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal.

PERMITS:

After receiving approval from the ACC; the applicant may also be required to obtain a permit from the city of Palm Beach Gardens or other governmental authorities. The applicant must determine whether this requirement applies to the requested modification.

THIRD PARTY COMMENTS:

Written comments from neighbors and other residents concerning proposed changes may be furnished to the ACC. These comments will be considered during the review process. The ACC will base decisions on standards set forth in the Declaration and guidelines described in this document.

ACC RESPONSIBILITIES:

On behalf of the Association, the ACC is empowered to take the following action:

1. Establish guidelines and recommend changes for Board approval with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of any structure, landscaping and all other matters that require approval of the ACC.
2. Establish rules for the procedure regarding submission of plans and specifications.
3. Establish rules for or with respect to the form and content of plans and specifications to be submitted to the ACC for approval or disapproval.

LIMITATION OF RESPONSIBILITIES:

The ACC assumes no liability with regard to the structural integrity of any requests. The ACC makes no representation as to its expertise regarding the structural adequacy, capacity, or safety features of the proposed request or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ACC does not assume responsibility for the performance or quality of work of any contractor. It is recommended that residents hire licensed and insured contractors.

ACC POLICIES:

The ACC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of Magnolia Bay and to foster thoughtful design so that there is harmony between neighboring residences. The ACC intends to be fair and impartial in the architectural review process. ACC approval of plans or specifications submitted by one homeowner shall not be deemed to be a waiver by the ACC of the right to object to any features or elements if and when the same features and elements are included in any subsequent plans and specifications submitted for approval for use on other homes.

APPROVAL NECESSARY:

No building, outbuilding, garage, fence, wall, retaining wall, landscaping, landscape lighting, pool, spa, porch, or other structure or modification of any kind shall be erected, constructed, placed, altered, changed, repaired, or modified on any property without approval of the ACC. The foregoing prior approval is intended to specifically apply to any maintenance, repair, or modification which changes the exterior appearance of a dwelling or other modifications on a unit or the surrounding property. No approval will be required for ornaments, sculpture, furniture, plants or other similar items within screened, but not fenced areas of a property.

TIME LIMITATIONS:

All applications MUST be submitted to Bristol Management, Inc. which will date stamp each application as received. The ACC shall meet as necessary to review all applications submitted by the deadline established. Following ACC review of applications, approved or disapproved requests will be returned to Bristol Management Inc. and applicant will be notified of results by Management Company.

After approval by the ACC, all improvements shall be completed within twelve (12) months from commencement of the improvement. Construction of swimming pools must commence within sixty (60) days of ACC approval and be completed within seventy-five (75) days of the date building permit issued. A fine may be assessed on projects which remain uncompleted for long periods of time or are visually objectionable and can be a nuisance and safety hazard for neighbors and the Community. The ACC may establish a more specific time for completion of a proposed project as a condition of its approval.

Bristol Management Inc. will forward completed date stamped applications to the ACC. In the event the ACC fails to respond to a request for approval within thirty (30) days of receipt of said request it will be deemed to be granted providing submitted application is complete and includes appropriate number of copies and all information necessary for consideration and review. The ACC shall have the right to reject applications if incomplete or to request additional information. Thereby extending this 30 day window from date of notice.

Rejected applications may be appealed, in writing, to the Board of Directors within thirty (30) days of receipt of rejection.

INSPECTIONS:

Periodic inspections may be completed by Management Company or Compliance Committee while work is in progress to determine compliance with approved plans, specifications, and provisions of the Declaration. The Management Company, Compliance Committee, or any such designated agent shall not be deemed to have committed a trespass or other wrongful act by reason of such inspection.

JOB SITE CONDITIONS:

1. All job sites shall be kept in a neat and orderly condition, as determined by the Management Company and Compliance Committee.
2. Commercial construction hours are Monday through Saturday, 8:00 am to 5:00 pm.
3. All construction operations must comply with local and state governmental ordinances.

APPROVAL:

Upon approval by the ACC, a copy of the applicant's request, plans, and specifications bearing such written approval shall be returned to applicant by Management Company. Approval of any application by the ACC shall be final and the approval may not be thereafter reviewed or rescinded provided that there has been compliance with all conditions of approval. If disapproved, a request can be resubmitted with appropriate changes.

VIOLATIONS:

If any alteration or modification is made without the required prior written consent of the ACC, the alteration has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed until ACC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any Covenants and Restrictions contained in the Declaration, or in violation of any zoning or building ordinance or regulation.

KEY ARCHITECTURAL GUIDELINES

CRITERIA:

The ACC shall regulate the external appearance, use, and maintenance of improvements in such a manner as to comply and meet with community-wide standards. The ACC evaluates all submissions based on the individual merits of the application. This includes consideration of the characteristics of the individual site and lot size and evaluation of the particular design proposal.

The following criteria are general in nature and apply to all dwellings in Magnolia Bay:

1. Relation to Open Space:
Factors such as the addition or removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may also adversely affect neighboring properties, open space common areas, preserve, and easement areas.
2. Conformance with Covenants:
All applications are reviewed to confirm that the request is in conformance with all applicable Covenants and Restrictions affecting Magnolia Bay.
3. Validity of Concept:
The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings.
4. Design Compatibility:
The proposed alteration must be compatible with the architectural and characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, and similar use of material, color, and construction details.

5. Location and Impact on Neighbors:
The proposed alteration should relate favorably to the landscape, existing structure, and the neighborhood. The primary concerns are access, view, sunlight, and drainage. For example, fences or landscaping may obstruct views or access to neighboring properties.

LANDSCAPING

All individual residential and common areas have been fully landscaped at the time of construction in accordance with a master landscaping plan set forth by the Developer and approved by Palm Beach Gardens. Any changes (either additions or deletions) to this existing plan must be submitted to the ACC for approval prior to implementation. No additional plantings will be permitted in the curbside easement areas or Common Area.

GENERAL INFORMATION REGARDING ADDITIONAL LANDSCAPING:

Height of rear property trees shall not be excessive, as determined by the ACC. The required application form must show the projected future height.

Plant material killed by frost, freeze, or drought must be replaced within three (3) months.

All mechanical equipment (air conditioners, pool pumps, pool heaters etc.) must be fully screened with landscaping materials.

The planting of annuals in front or rear yards does not require ACC approval. Care and watering are the responsibility of the homeowner. Plantings must be removed by the homeowner at the end of the planting's season.

Maintenance (including irrigation, pest control, mulching, trimming, etc.) for any landscaping changes in the side yards and rear yards is the responsibility of the homeowner. Maintenance for front yard plantings inconsistent with the approved master landscaping plan is the responsibility of the homeowner.

Mulch; either cypress or eucalyptus mulch may be placed in flower beds by homeowners. This recommended mulch is the most natural in color enhancing the current "natural" look and overall landscape design of Magnolia Bay.

YARD SCULPTURE AND YARD ART:

No sculpture, planters, or yard ornaments will be allowed in a homeowner's yard where it is visible from the street. No planters or other decorations may be attached to the exterior of the home without ACC approval. All outside statues, sculptures, and fountains must be approved through the ACC.

Only live plants and flowers are permissible on the exterior of the home. No artificial vegetation shall be permitted on the exterior of any portion of the properties.

PROHIBITED PLANTS AND INVASIVE NON-NATIVE PLANTS:

COMMON NAME

SCIENTIFIC NAME

Air potato vine	Dioscorea bulbifera
Australian pine	Casuarina spp.
Banyan	Ficus bengalensis
Bischofia	Bischofia javanica
Brazilian pepper or	Schinus teribinthifolius
Florida holly	
Carrotwood	Supaniopsis anacardioides
Cat's claw	Minosa pigra
Chinese tallow tree	Sapium sebiferum
Cork tree	Thespesia populnea
Downy rose myrtle	Rhodomyrtus tomentosus
Earleaf acacia	Acacia auriculiformis
Jasmine	Jasminum dichotomum
Java plum	Syzygium cumini
Kudzu	Pueraria montana
Leather leaf	Colubrina asiatica
Lofty fig	Ficus altissima
Mahoe	Hibiscus tiliaceus
Melaleuca	Melaleuca quinquenervia
Schefflera	Schefflera actinophylla
Shoebuttan ardisia	Ardisia solanaceae
Small-leave climbing fern	Lygodium microphyllum
Woman's tongue	Albizia lebbek

LANDSCAPE GARDEN LIGHTING

Landscape lighting is permitted within the existing planting beds. Solar powered lights are permitted in lieu of a low voltage lighting system. Tree and shrubbery up-light bulbs are to be low voltage spotlights only. Exterior wiring running from the house to the lighting system must be buried underground. All controls, outlets, and transformers must not be visible from the street. Lighting must be detailed on application and survey.

SIGNS

Signs in Magnolia Bay will be limited to either one security company sign in the front yard of the residence or one security company decal placed in the front window. No other signs will be allowed unless approved by the Board of Directors.

BASKETBALL HOOPS

Permanent basketball hoops are not permitted. Portable basketball hoops must be stored in garage when not in use.

IRRIGATION

All lots have underground fully automatic sprinkler systems to irrigate each lot as a supplement to nature's supply of rainwater. Owner's guide sets forth all details of irrigation system and controls.

Adding or deleting landscaping may affect the master landscaping plan by causing death or lack of growth from insufficient watering. Homeowners are responsible for hand watering any additional plantings and/or plantings that, while replacing existing plants, require more water than said existing plants. Should additional plantings generate a stressful irrigation environment; homeowners will be held responsible for rectifying the problem to the satisfaction of the Management Company and Compliance Committee. Individual homeowners are responsible for coordinating the capping of the irrigation system (for any subsurface work proposed) with the licensed irrigation consultant contracted by Magnolia Bay. Individual homeowners will assume all costs for such work. The Management Company will request a deposit for the installation of any improvement that requires subsurface digging. The deposit will vary depending on type of improvement.

POOL/SPA CONSTRUCTION

Approval from the ACC is required for the construction and installation of in-ground pools and spas.

Portable (above ground) spas must be placed within the confines of a screen enclosure at the rear of the home.

When installing a pool, it will be the homeowner's responsibility and cost to contact Magnolia Bay's irrigation company to perform the necessary work to ensure that the irrigation system is capped off properly and no main lines have been disturbed. It will be necessary for the homeowner to coordinate with their pool contractor and notify the irrigation consultant contracted by the Association one week in advance to set up an appointment to have the necessary work performed. All costs to be assumed by the homeowner.

All pool and spa equipment (pumps, filters, heaters, etc.) must be within the privacy wall area or hidden from view with landscaping from the street or adjacent dwellings.

Deposit: \$1000.00. Additional fees may be required if common area is accessed.

SOLAR HEATING SYSTEMS

Roof solar heating systems must be installed so they are not visible or as inconspicuous as possible from the street along the front of the home.

The system's pump equipment must be within the privacy wall area of the home or hidden from view with landscaping from the street or adjacent dwellings.

Plumbing running along side the home, to and from the solar panels, must be painted the same color to the material to which it is attached.

Warning: Installation of solar heating system may void your roof warranty!

Deposit: \$500.00.

SCREEN ENCLOSURES AND PATIOS

Screen enclosures must be constructed of all white powder-coated aluminum framing with charcoal colored screening.

The framing of the screen enclosure must be installed with its roofline meeting the gutter at the edge of the home's roof and may not be below the roof overhang.

Rear yard concrete patios must match, in texture and color, the surrounding areas.

Glass enclosed structures are not permitted for the purpose of covering a pool or patio area.

Deposit: \$500.00. Additional fees may be required depending on the scope of the project.

LANAI ENCLOSURES

Screened lanai enclosures must be framed with white powder-coated aluminum framing with charcoal colored screening.

Lanai areas must conform to the original extended home offered at the time of construction. The rear of the lanai must be enclosed with sliding glass doors identical to existing rear sliding glass doors. The side area can be enclosed with cement block, stucco, and paint identical to house or with new sliding glass doors (same type as rear doors).

Only white aluminum frames and charcoal-colored screening are permitted for entry enclosures and screen doors.

DWELLING ACCESSORY ALTERATIONS

Any alterations to the original dwelling hardware and accessories must be consistent with the community-wide standards. All original door hardware, window frames, exterior lighting fixtures, street numbers, gutters, downspouts, etc. may not be changed in appearance. Any replacement due to malfunction, wear and tear, etc. must match the original appearance as closely as possible. Windows may only be tinted with ACC approved film.

ANTENNAS, SATELLITE DISHES, AND FLAGPOLES

No exterior television or radio masts, towers, poles, or antennas may be erected.

Satellite dishes must be installed to limit the view from the street and adjacent dwellings as much as possible and not to exceed eighteen (18) inches in diameter. Landscape buffering requirements may be determined by the ACC as a condition of approval.

Vertical flagpoles are permitted only at the rear of the home and may not exceed twelve (12) feet in height.

Maximum size of flags is limited to 3 x 5 feet. Note; proper flag etiquette is required.

Per Florida statutes, section 720.304 (as amended effective July 2002), homeowners may display one (1) portable, removable US flag in a respectful manner.

HURRICANE SHUTTERS

Permanent hurricane shutters require the approval of the ACC prior to installation. Permanent shutters are defined as shutters, mounting brackets, and/or other architectural elements which are permanently affixed to the dwelling and are visible from the street. Homeowner is responsible for replacing any landscaping damaged below installation areas.

Approved permanent hurricane shutters and temporary shutters shall only be permitted to be closed or placed one week prior to a hurricane warning and shall be opened or removed within two weeks after the lifting of said warning.

AWNINGS

Awnings may be permitted. Awnings shall be prohibited from front yards.

All awnings require ACC approval. Color of awning will be limited to a color matching or blending with the exterior stucco or trim.

FENCES

1. All fences must be white aluminum material, minimum 4 feet in height. If fence encloses a pool must meet city of Palm Beach Gardens code requirements.
2. Maintenance of fence is the responsibility of the homeowner.
3. Fences may not extend beyond the front plane of the home nor encroach upon any easement.
4. If fence is placed directly on concrete deck bottom rail may be flushed with deck.
5. No fence may be attached to a neighbor's home on any common element.
6. Gates must be installed to provide access for adjacent property owner, landscaper, irrigation contractor, and other service providers.
7. An application for any fence installation must include the type of landscaping to be planted. It is the homeowner's responsibility to contact the irrigation consultant contracted by the Association to ensure the fence installation will not impact the irrigation system.

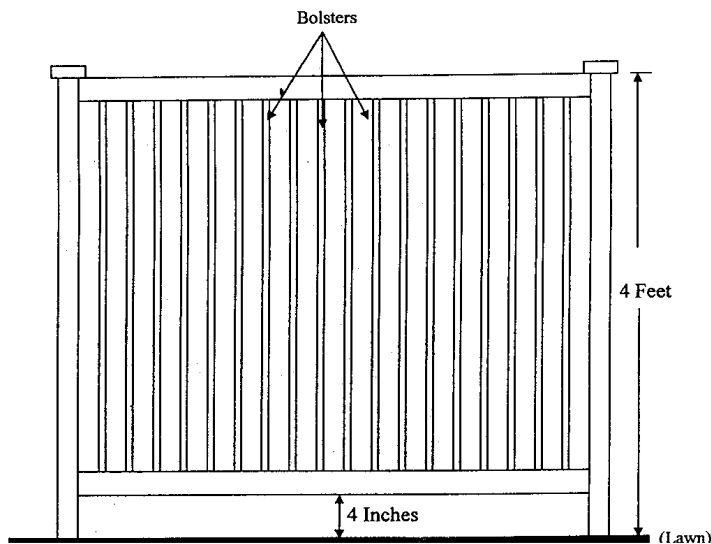
Deposit: \$500.00

Fence Installation Note:

It is strongly recommended that fence sections be installed with a 2"- 4" vertical separation between the bottom of the fence and the ground beneath. It is also recommended that a horizontal separation (a two inch offset from each side of the fence line extended) be provided. These separations should run the length of the fence and will allow for protection of the fence during landscape maintenance. Top of the fence may not be stepped unless topography dictates otherwise. (Attachment 1)

Attachment 1

(Fencing Style and Height Requirements)



Magnolia Bay architectural guidelines prepared by the Architectural Control Committee and respectfully submitted to the Magnolia Bay Homeowners Association Board of Directors.

Architectural Control Committee Members:

Charles Hathaway
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